

KEVIN STEVERSON,

Plaintiff,

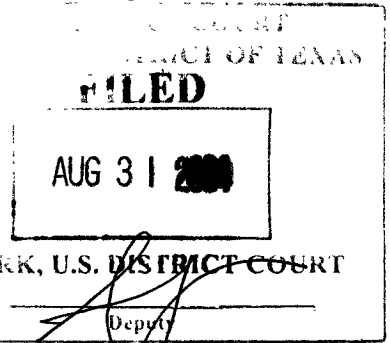
v.

HILTON RESERVATIONS
WORLDWIDE,

Defendant.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

§
§
§
§
§
§
§
§
§
§



CIVIL ACTION NUMBER:

3:04-cv-1442-B

DEFENDANT'S ORIGINAL ANSWER

Pursuant to Federal Rule of Civil Procedure 12, Defendant Hilton Reservations Worldwide ("Hilton") files this *Original Answer* in response to the Complaint ("Complaint") of Plaintiff Kevin Steverson ("Plaintiff"), and would show the Court as follows:

ANSWER

Pursuant to Federal Rule of Civil Procedure 8, Defendant is unable to answer the allegations of the Complaint by correspondingly numbered paragraphs, because the paragraphs of the Complaint are not numbered. Therefore, Defendant answers the allegations of the Complaint as follows:

1. To the extent that the Complaint asserts how Plaintiff feels, Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in the first paragraph. All other allegations contained in the first paragraph of the Complaint are denied.

2. Defendant denies the allegation contained in the second paragraph of the Complaint.

GENERAL DENIAL

Any allegations which require a response, and which are not specifically answered above, are denied.

DEFENSES

Pursuant to Rule 8 of the Federal Rules of Civil Procedure, Defendant sets forth the following defenses, reserving the right to amend to change or add additional defenses as allowed by law. Each of the following defenses is stated as a separate and distinct defense, in the alternative to, and without waiving, any of the other defenses which are herein or which may hereafter be pleaded:

1. Plaintiff's claims fail in whole or part to state a claim upon which relief can be granted.
2. Plaintiff's claims fail in whole or part because Defendants' actions, if any, were performed in good faith and were not intentional, willful, or without justifiable right or cause.
3. Defendant's actions and employment decisions concerning Plaintiff were based upon legitimate, non-discriminatory and non-retaliatory factors, and not upon any characteristic or activity protected by the Americans With Disabilities Act, Title VII of the Civil Rights Act of 1964, or any other applicable federal or state law.
4. Some or all of Plaintiff's claims are barred to the extent that the scope of Plaintiff's judicial action or claims exceeds the scope of Plaintiff's charge filed with the Equal Employment Opportunity Commission, Texas Commission on Human Rights, Texas Workforce Commission Civil Rights Division or any other local administrative agency, and are therefore barred for failure to satisfy statutory prerequisites and/or for lack of subject matter jurisdiction.

5. Plaintiff failed to timely fulfill administrative prerequisites and conditions precedent to filing this lawsuit.

6. Plaintiff's claims fail in whole or part because Defendant's employment actions, if any, would have been taken in the absence of the alleged impermissible motivating factors.

7. Plaintiff's damage claims are subject to the damage caps in of Title VII of the Civil Rights Act of 1964, as amended.

8. Plaintiff's actions contributed in whole or in part to his alleged damages.

9. Plaintiff's alleged damages are too speculative to be permitted.

10. Plaintiff has failed to mitigate his damages, if any.

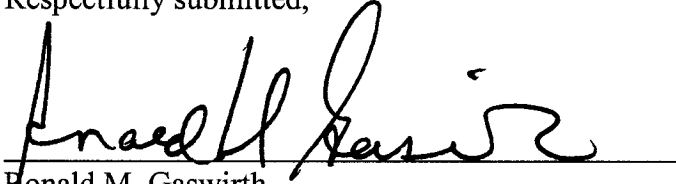
11. Defendant reserves the right to assert further affirmative defenses as they become evident through discovery or investigation.

PRAYER FOR RELIEF

Defendant requests that the Court:

- A. dismiss Plaintiff's claims with prejudice;
- B. enter a final judgment that Plaintiff take nothing;
- C. award Defendant its costs of court; and
- D. grant Defendant all other relief, at law or in equity, to which it may be justly entitled.

Respectfully submitted,



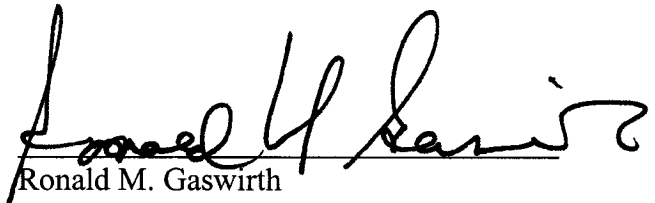
Ronald M. Gaswirth
Texas State Bar No. 07752000
Celeste Yeager Winford
Texas State Bar No. 00797715
Gardere Wynne Sewell, L.L.P.
3000 Thanksgiving Tower
1601 Elm Street
Dallas, Texas 75201
Telephone: 214-999-3000
Facsimile: 214-999-4667

ATTORNEYS FOR DEFENDANT
HILTON RESERVATIONS WORLDWIDE

CERTIFICATE OF SERVICE

This is to certify that on August 31, 2004, a true and correct copy of the foregoing document has been forwarded via certified mail, return receipt requested, to the following:

Kevin Steverson
Plaintiff, *pro se*
2600 Tealwood Dr. #323
Oklahoma City, OK 73120



Ronald M. Gaswirth